



U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

February 18, 2014

By ECF

The Honorable Cheryl L. Pollak
The Honorable Gary Brown
The Honorable Ramon E. Reyes, Jr.
United States Magistrate Judges
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York

Re: In Re Hurricane Sandy Cases (All Related Cases)
14 MC 41 (CLP-GRB-RER)

Dear Judges Pollak, Brown and Reyes:

This letter is being written in response to the Court's request at the February 5, 2014 conference during which the Court received case management related comments from attorneys for the Hurricane Sandy Cases.

At that conference, the Federal Emergency Management Agency and various other federal agencies, entities and officers (collectively, "FEMA"), named as defendants in certain of the In Re Hurricane Sandy Cases advised the Court that FEMA would provide the Court with a list of cases in which FEMA had been improperly identified as a defendant in cases involving write your own ("WYO") policies. As FEMA's representative, Ramoncito DeBorja advised the Court at the conference, cases arising out of WYO policies only may be brought directly against the insurers who wrote those policies and not against FEMA. Since the conference, this Office, in conjunction with FEMA, has managed to obtain voluntary stipulations to dismiss FEMA out of all of the filed WYO cases. Thus, as of this writing, FEMA is currently unaware of, and has not yet been served in any, WYO cases that have not been voluntarily dismissed, or are in the process of being dismissed.

Based on its experience litigating and negotiating flood-related claims, FEMA reiterates its previously-stated position that individualized case management orders facilitate the prompt and fair litigation of these claims. As the Court may recall, many of the other participants in the February 5, 2014 conference, who also have significant experience negotiating and litigating similar claims arising out of Hurricane Katrina and other large

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storms, similarly stated that (while counterintuitive) litigating these cases individually, rather than in groups, is a more efficient means of proceeding. Further, FEMA's experiences litigating these cases supports the statements made by both plaintiffs' and defense counsel during the conference that, after the answer is filed, implementing an across the board initial documentary discovery exchange for a period of at least 90 days to 120 days could enable the parties to resolve a great number of these cases without Court intervention.

Finally, FEMA respectfully submits that while its experiences and suggestions concerning the management, resolution and litigation of these cases are similar to those already expressed at the February 5, 2014 conference, FEMA is available, at the Court's convenience, to participate in another in-person conference to provide any additional information about its experiences litigating and resolving these cases after other large storms in other parts of the country, should the Court determine that such information may be useful in its case management determinations.

We thank the Court for its attention to these matters.

Respectfully submitted,

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